HIGH COURT OF CHHATTISGARH AT BILASPUR

DIVISION BENCH

CORAM: HON'BLE SHRI H.L. DATTU, CJ. &
HON'BLE SHRI D.R. DESHMUKH, J.

WRIT PETITION No.3176 of 2004

PETITIONER

Rajesh Mishra (IPS) aged about 40 years S/o Late Shri M.P. Mishra presently working as Deputy Inspector General of Police, Police Headquarter, Raipur District Raipur (Chhattisgarh)

Versus

RESPONDENTS

1. Union of India through The Principal Secrtary, Ministry of Home Affairs, New Delhi 110 001
2. State of Madhya Pradesh through The Secretary Department of Home Affairs Vallabh Bhopal Bhopa (M.P.)
3. State of Chhattisgarh through The Secretary Department of Home Affairs, D.K.S. Bhawan, Mantralaya Raipur (Chhattisgarh)
4. Sri S.P. Pandey (IPS) AIG, PHQ, Bhopal, Madhya Pradesh.
5. Sri S. Ibrahim (IPS) Joint Director, Intelligence Bureau (Ministry of Home Affairs, North Block, New Delhi)
6. Sri A.K. Dhasmana (IPS) Joint Director (RAW) Research & Analysis Wing Through: The Home Secretary, Government of India, Ministry of Home Affairs, North Block, New Delhi
7. Sri Vijay Kumar Singh (IPS) I.G. Jabalpur Range, Jabalpur Madhya Pradesh
8. Sri Rajendra Kumar (IPS) I.G. Sagar Range, Sagar Madhya Pradesh.
9. Sri Dr. S.K. Shrivastava (IPS) I.G. Indore Range, Indore, Madhya Pradesh.
10. Sri Sanjiv Kumar Signh (IPS) Dy. Transport Commissioner, Gwalior, Office of Transport Commissioner, Gwalior, Madhya Pradesh.
11. Sri Seshowari Banerjee (IPS) DIG, EOW (Economical Offence Wing) IInd Floor Vindhyachal Bhawan, Madhya Pradesh.
12. Ms. A Shanker (IPS) DIG, Bhopal Range, Bhopal, Madhya Pradesh.
13. Sri P.K. Shrivastava (IPS) Superintendent of Police, (Anti Corruption) CBI, CBI Headquarter, New Delhi

14. Sri Rajiv Kumar Gupta (IPS) Superintendent of Police, Murena, District Murena, Madhya Pradesh.
15. Sri Raja Babu Singh (IPS) AIG (Intelligence), PHQ Bhopal Madhya Pradesh.
16. Sri K. Vaiphei (IPS) DIG (Narcotics) Indore District Indore, Madhya Pradesh.
17. Sri D.C. Sagar (IPS) Superintendent of Police Khandwa, District Khandwa Madhya Pradesh.
18. Mohd. Shahid Abrar (IPS) Superintendent of Police Katni, District Katni, Madhya Pradesh
19. Vishwaranjan, IPS
20. O.P. Rathore, IPS
21. Praveen Mahendru, IPS
22. Anil M. Navaney, IPS
23. Ram Niwas, IPS
24. M.W. Ansari, IPS
25. A.N. Upadhyay, IPS
26. D.M. Awasthi, IPS
27. Binay Kumar Singh, IPS
28. Ashok Juneja, IPS
29. Arundeo Gautam, IPS
30. Gurjinder Pal Singh, IPS
31. T.J. Longkumar, IPS
32. Vivekanand, IPS

C/o Director General of Police, Chhattisgarh Raipur (Chhattisgarh)

Writ petition under Articles 226/227 of the Constitution of India.

Present : Shri V.G. Tamaskar and Shri Ranbir Singh Marhas, counsel for the petitioner.
Shri S.K. Beriwal, Standing Counsel for Union of India/respondent No.1.
Shri Samdarsh Tiwari, Govt. Advocate for respondent No.2/State of M.P.
Shri Sumesh Bajaj, Govt. Advocate for respondent No.3/State.
Shri M.K. Verma, counsel for respondents No. 7 to 12 & 16 and 17.
Shri V.R. Tiwari, counsel for respondents No. 24, 25, 29 & 30.

ORAL ORDER
(Passed on 10th April, 2007)

The following oral order of the Court was passed by

H.L. Dattu, CJ.

The petitioner is a Police Officer. He belongs to the cadre of I.P.S.

(2) The petitioner has filed this writ petition inter alia requesting this Court to direct the respondent No.1/Union of India to pass appropriate orders

pursuant to fix decision taken in compliance of the order passed by the Central Administrative Tribunal ("the Tribunal" for short).

(3) This Court while entertaining the writ petition had in fact directed the respondents to pass appropriate orders within a particular time-frame. Now, it is brought to our notice by learned counsel appearing for the respondents that the Central Government has taken a decision in the matter and the same is communicated to the petitioner also. Therefore, they submit that, if for any reason, the petitioner is aggrieved by the order passed by the Central Government, he has to question the same before a Forum created under the Administrative Tribunals Act.

(4) However, Shri V.G. Tamaskar, learned counsel appearing for the petitioner strenuously contends before this Court that this Court having entertained the writ petition, now the petitioner should not be relegated to the Tribunal to question the correctness or otherwise of the order passed by the Central Government. We are not impressed by the argument canvassed by learned counsel for the petitioner. As we have already noticed, the petitioner was before this Court only for a direction to the respondents to consider his case and pass appropriate order in accordance with law. During the pendency of the writ petition, the respondents have passed an order and if for any reason the petitioner is aggrieved by that order he has to question the same before the Forum created under the provisions of the Administrative Tribunals Act.

(5) In view of the above, we dispose of this writ petition with liberty to the petitioner, if he so desires, to question the correctness or otherwise of the final order passed by the Central Government dated 27-06-2005 before the appropriate Forum. Ordered accordingly.

Sd/-
Chief Justice

Sd/-
Dilip Raosaheb Deshmukh
Judge